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SECHREST

DOCUMENT
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DATE FILED: 12/17/19

December 13, 2019

Via CM-ECF

The Honorable John G. Koeltl
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: EXP Realty Advisors Associates, Inc. v. EXP Realty, et. al; 1:19-cv-5903 (JGK)

Dear Judge Koeltl:

Defendants EXP Realty, LLC and EXP World Holdings, Inc. ("Defendants") respectfully file this unopposed letter motion to extend the time on which to answer the Complaint in this matter. The basis for this motion is as follows:

On September 18, 2019, on behalf of his clients, counsel for Defendants executed a waiver of service of the Summons and Complaint. Pursuant to this waiver, Defendants had until November 18, 2019 to answer or otherwise respond to the Complaint. On November 18, 2019, the Court endorsed Defendants' first request to extend Defendants' deadline to answer or otherwise respond to the Complaint until December 18, 2019. *See* Document Nos. 19-20.

Since receiving the extension of time to answer or otherwise respond to the Complaint, Defendants and Plaintiff have exchanged draft settlement agreements. The parties are very close to resolving this matter. Recently, Defendants provided Plaintiff with a revised settlement agreement that is nearly complete, and the parties are in agreement on most if not all of the substantive terms of the settlement. Defendants need to delay execution of the settlement agreement until after its insurance carrier makes a final determination concerning coverage. Due to the upcoming holidays, Defendants do not expect a coverage determination until January of 2020. To provide the parties with time to fully explore settlement options, Defendants hereby move the Court for a thirty (30) day extension of its time to answer or otherwise respond to the Complaint. Plaintiff's counsel, Mr. Wizenfeld, has indicated that Plaintiff does not oppose this motion.

As stated above, Defendants previously sought and were granted one other thirty (30) day extension of time in which to answer or otherwise respond to the Complaint. Absent exigent circumstances, Defendants will not seek any additional extensions of time to answer or otherwise respond to the Complaint in this matter.

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TIME TO RESPOND TO THE
COMPLAINT EXTENDED TO
JANUARY 17, 2020. CONFERENCE
RESCHEDULED TO THURSDAY,
FEBRUARY 6, 2020, AT 4:30PM.
SO ORDERED.

DRB/ksd

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At the same time that the Court endorsed Defendants' prior letter motion, the Court adjourned the status conference until December 20, 2019 at 2:30 pm. *See* Document 21. Defendants respectfully request that that status conference be reset to a date after Defendants answer or otherwise respond to the Complaint.

Respectfully submitted,

/s/ Lucian C. Chen

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